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Letter dated 10 April 2006 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

Reference is made to the report of the Group of Experts on the Democratic Republic of the Congo (see S/2006/53), addressed to the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo. On instructions from my Government, I am attaching herewith Uganda's response (see annex).*

I would be very grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Francis K. **Butagira**
Permanent Representative

* The annex is reproduced in the language of submission only.

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Annex to the letter dated 10 April 2006 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

Uganda's response to the report of the United Nations Group of Experts on the arms embargo against the Democratic Republic of the Congo

INTRODUCTION

1. Uganda welcomes the report of the Group of Experts on the Arms Embargo against the Democratic Republic of the Congo (DRC). The report marks a significant improvement on the manner issues are handled and the various aspects that are handled. We are, however, concerned about certain omissions and attempts to obscure vital issues in favour of controversy.

2. As a neighbouring country affected by events in the DRC, Uganda has a deep interest in the success of all regional and international actions aimed at the stabllization of that country. The success of the Arms Embargo is the one action in which Uganda has great faith, since it denies the negative forces the means to destabilize, not only the DRC, but the region. Illegal flows of arms into the DRC therefore are an issue of great concern to us – as there are many groups, including the Lord's Resistance Army (LRA), Allied Democratic Forces (ADF), National Army for the Liberation of Uganda (NALU), and the People's Redemption Army (PRA) ranged against Uganda. This is in addition to Interahamwe and other renegade groups bent on destabilizing the region. It is therefore with great dismay that we read in the report attempts to implicate Uganda in violations of the Embargo. Uganda is also concerned that the Group of Experts has adopted a confrontational approach and have at all times sought to undermine and diminish Uganda's sovereign and security interests. Above all in some cases have chosen to be patently dishonest.

3. Uganda is of the view that the arms embargo as established presupposes that there is an effective state in the DRC. The reality, however, is that, that country has no capacity to police its vast territory and no control over its correspondingly large airspace. The need to re-create the State by way of effective institutions is thus urgent. The international community has to show commitment to

develop institutional capacity, infrastructure and above all, the security infrastructure so that the Congolese State can be in charge of its destiny; Police its borders, airspace and natural resources exploitation effectively. Depending on neighbouring countries to do it for her is not enough. They too, have their other pre-occupations. It is our view that the international community has not devoted sufficient attention to the critical internal weaknesses of the Congolose State. Most especially, to the issue of divided loyalties of the integrated armed forces. Indeed this is the most important single leakage through which armed groups such as LRA, ADF/NALU, PRA, UPC-L, etc. get their arms.

4. Actions by Uganda:

Uganda is Interested in a stable and peaceful DR Congo. A DRC at peace with itself and its neighbours is not only good for international peace and security, but for regional peace, security and development. It allows the region to devote most of its resources to poverty alleviation and development. It is with this in mind that Uganda has undertaken actions that have strengthened the embargo regime. These include, among others:

(i) Joint Verification Mechanism (JVM):

Under this arrangement, Uganda, DRC and MONUC make joint surprise visits to any area and point along the common border suspected of being a passage for illegal arms. On several occasions, such visits have been made and the truth established. Indeed, MONUC has initiated many of these visits. At no point in the course of these surprise visits has any violations of the embargo been established or detected.

(ii) Establishment of a Regional Intelligence Fusion Cell:

This is a joint effort undertaken under the Tripartite Plus Commission. It is intended to be an on time intelligence information mechanism, that will go a long way toward confidence building.

(iii) Uganda remains the only country in the Tripartite Plus One Commission that has diplomatic relations with all the countries

(iv) involved. She has diplomatic representation in Kinshasa and Rwanda. We have designated an Ambassador to Kinshasa whose agrement has not been issued for the last four years.

(iv) Uganda jointly with the DRC has established a Joint Security Liaison Office on her territory manned by Congolese and Ugandan officials. It monitors borders and thus deters illegal armed activities along the common border.

The above actions are complimented by regular consultative meetings at high political and security levels.

5. NAKASONGOLA

The main reason for the imposition of the arms embargo against the DRC was and still remains the need to control and eliminate the flow of illegal arms. It s enforcement as Uganda understands it, does not include the denial of any country, both regional or otherwise, the right to security and evolution of necessary state structures to ensure its independence and sovereignty. The insistence of the GoE to visit Nakasongola without providing convincing reasons and compelling evidence, is of great concern to us. We have reviewed this request and wish to reiterate that:

(i) No arms found in the DRC by the Group of Experts have been linked to the factory in Nakasongola.

(ii) It is an established fact that Uganda does not produce arms for export.

(iii) Illegal arms into DR Congo come from European sources by air to the numerous airports and airfields out of control of the DRC Aviation authorities.

6. VISIT AND INSPECTION OF DOCUMENTATION AT THE MILITARY AIRFIELD AT ENTEBBE

Uganda is deeply surprised by this concern. Information regarding air traffic was provided on 4th April 2005. It added up to more than five hundred pages 4 MB 412 KB. Proof of receipt of this information exists. Mr. Abdoulaye Cissoko, the Group's aviation expert, received it. It was further sent to his e-mail address: abdoucissoko@yahoo.fr. There is indication that he indeed, received and opened the e-mail.

Uganda is deeply concerned that despite her co-operation, the GoE for reasons best known to themselves, chose to disregard and down play her efforts. Indeed, the Group chose to draw parallel and compare her actions and presumed inactions with another sovereign state. Suffice it to say that as a sovereign country, Uganda acts independently without being prompted by any neighbouring state or otherwise. That information is given on record and denied on record betrays bad faith on the part of the Group.

For the record Uganda wishes to re-state the following:

(i) The Entebbe Airbase acts as a base for MONUC operations in the Eastern DRC.

(ii) The Uganda Airforce shares this facility with MONUC. In this arrangement it is inconceivable that any activity can take place without the latter's knowledge.

(iii) All flights out of the base file flights plans with the Uganda Civil Aviation Authority (CAA). And this information is in possession of the GoE.

(iv) Uganda Airforce flights are wholly domestic – i.e. they do not go beyond Uganda's borders.

(v) The allegations of illegal flights out of the Airbase are ill-intentioned and cannot be substantiated.

(vi) All available information covering the period of the report was duly given but dishonestly denied and disregarded by the Group of Experts.

7. PRECIOUS MINERALS

The report alleges that Uganda did not provide information on import and export of minerals especially gold, and other precious minerals, including diamonds. This concern is all the more surprising given the required range of years and the response that was given to the Group. Uganda responded viz:

- before 2004 there was no information as the mining legislation existing then did not cater for trade and mining of gold.

- It is at the end of 2004 that Uganda started monitoring information and statistics which were shared with the GoE.

- Uganda licenses Ugandans both legal and individual persons to deal in minerals. She does not issue licences for any individual or company to extract gold in the DRC. We believe, consider and accept that this is the sovereign right of the DRC. At all times we avoid illegal trade and dealings in gold and other minerals.

It is an indisputable fact that Uganda produces gold which falls into two categories:

- gold produced by medium-scale producers in gazetted areas;

- gold produced by small scale producers scattered all over the country.

The small-scale producers sell gold to the medium-scale producers. It is the latter that provide production and export statistics. The figures given to the GoE in June 2005 do not include any trade outside this formal framework – because it is unrecorded and unavailable.

On the other hand gold export figures can be classified into three categories viz:

(i) locally produced gold by medium-scale producers and recorded.

(ii) Locally produced gold by small-scale producers and unrecorded.

(iii) Any recorded imports.

The liberalization of the Ugandan economy in 1994, which was not for gold alone but all commodities, resulted in the removal of a royalty of 3 – 5% on gold exports. This in turn encouraged Uganda's traders to declare their gold exports, which had hitherto been smuggled to dodge taxes. This explains Uganda's increased declared amounts on gold exports since 1994, compared to the prior period.

Mining Regulations, which were in operation from 1964 to 1994, did not adequately provide for the regulation of mineral imports. That old law could not have been designed for purposes of exploitation of mineral resources of DRC. The evolution is such that revised Mining Regulations (2004), adequately regulate the importation of minerals.

From the foregoing, the UN Group of Experts are being deliberately inaccurate, insincere and pretentious to allege that it is inexplicable that available Uganda public reports from 1997 to 2004 do not reflect gold imports. It is also a falsehood on their part to claim that

information with them shows the gold production for a number of years which is a product of mining activities.

The table provided by Government of Uganda in the Report to the GoE in June, 2005 was reflecting the actual figures held by the Ministry of Energy and Mineral Development. The permits only refer to exports and imports; there are no permits issued on production. Production figures are obtained from returns of Licence Holders.

8. Alleged inconsistencies in data:

The UN Group of Experts, in their Report of July 2005, referred to inconsistencies in data. The fact of the matter is that:

(i) Various institutions have different cut-off dates in capturing and updating data. Some institutions use financial years while others use calendar years.

(ii) There are time lags in capturing data, for example, Uganda Revenue Authority (URA) may record data using a date when a client settles tax dues whereas Bank of Uganda may use a date of entry of the imported goods as its reference date.

(iii) Ministry of Energy and Mineral Development sometimes reflects figures for intentions to export. The figures are reflected on export permits, which will differ with URA's actual exports.

(iv) Different institutions have different methods of capturing data; for instance, some institutions record quantities while others record values.

(v) There are also differences in methods of classification criteria; analytical mechanisms to suit mandate; editing, verification and reconciliation mechanisms.

Therefore, the variance of statistics may depend on the source institution and the method it applies. It is unfair to insinuate ill-motives on account of variance.

Government of Uganda wishes to further clarify that the problem of statistics of gold imports and exports goes beyond the core issue at hand. As a developing country, Uganda has a problem of collecting statistics on virtually everything and not only on gold. It would, therefore, be unfair and dishonest to conclude that because of variance in statistics, there is a deliberate effort on the part of Government of Uganda to hide information from the UN Group of Experts.

Uganda wishes to point out that she is not the end-user of the various minerals in question. Most diamonds are traded in Amsterdam, Antwerp, Tel Aviv and Mumbai. Coltan is a key raw material for the production of mobile phones. Casterite is a major component for aero engines. Clearly the international community and the Group of Experts need to ask the end-users some questions regarding the sources of the minerals used. The responsibility to enforce the embargo is not limited to regional states but to the wider international community including traders, and transnational corporations in Europe and elsewhere.

9. PROVISION OF END-USER CERTIFICATES, IMPORTDOCUMENTS AND MANUFACTURERS' INFORMATION ON ALL FIREARMS IMPORTED INTO UGANDA SINCE THE IMPOSITION OF THE ARMS EMBARGO ON DRC AND ANY FIREARMS DELIVERED FROM UGANDA TO DRC OVER THE SAME PERIOD

It is the view of the Uganda Government that the Embargo was imposed on the DRC and **NOT** Uganda. Her proximity to the DRC does not in any way diminish or remove from her the rights and obligations nations must enjoy and exercise. The Committee was not established to enforce any embargo against Uganda, but ensure that no violations of the embargo take place. It is not clear to Uganda how the information requested for relates to the mandate of the

Group of Experts. In our view, this demand is clearly aimed at directly assaulting our sovereignty. It is provocative and endangers our national security; and falls within the confrontational pattern that the Experts have chosen to take. It is an attempt to raise a contentious
issue so as to prolong the mandate of the Group. It is unfortunate that such has become the general method of work. We find it unacceptable and totally dishonest.

Uganda wishes to further emphasize that no arms transfers from her territory to DRC have taken place over the said period. To allege otherwise is to engage in patent falsehood.

10. PROVISION OF IMMIGRATION LISTS DETAILING PEOPLE LEAVING UGANDA FOR THE PERIOD 1ST – 15TH SEPTEMBER 2005

Uganda is willing to provide this information only that it is not readily available, given the nature of entry/exit points along all our borders. Most border communities share common ethnicity and consider borders inexistent. Gazetted crossing points are few and far between. It is therefore impossible to monitor and record entry and exits effectively. It is only at Entebbe Airport and at a few gazetted points that this can be done. Even then this is an exercise that requires coverage over a very wide area. Uganda lacks capacity to handle such an exercise.

11. DETAILS OF MECHANDISE EXPORTED TO AND IMPORTED FROM DRC BY UGANDA FOR THE PERIOD 2005

Uganda can provide figures of 2004. Recent trade data for the year 2005 is yet to become available. It is also worthy noting that no trade embargo exists between Uganda and the DRC. Common border communities have traded with each other since time immemorial. A lot of this trade is informal and does not necessarily pass through customs; since there are few gazetted customs points

and immigration posts. This informality is further enhanced by the porous nature of the borders.

12. MEASURES UNDERTAKEN BY GOVERNMENT TO IMPLEMENT TARGETTED SANCTIONS AGAINST CERTAIN INDIVIDUALS AND ENTITIES

The rules of natural justice dictate that if an individual or entity is accused of committing a crime, that individual or entity should be afforded an opportunity to appear before a competent court to defend themselves.

Before the individual/entity appears, charges would have been preferred with all the evidence indicating times, places and witnesses to the crime committed.

The Government of Uganda requests the GoE to furnish it with the above information and not just rumours or hearsay so that it can proceed to take legal action.

13. DRC REBELS

The GoE reported according to their investigations and sources, that DRC rebels keep moving in and out of Uganda. The GoE advised that if that were the case, Government of Uganda should not allow the rebels to enter its territory, to move freely and should not encourage them in their designs.

The response of the Government of Uganda is as follows:

- Government of Uganda is not aware of any presence or movement of such groups in Uganda. We request the UN Group of Experts to provide the names of alleged individuals, their transit routes and their suspected locations to assist further investigation and action.

- Uganda supports all efforts to bring about stability in DRC. Uganda has neither interest nor intention to back armed groups

opposed to the Government of DRC or bent on destabilizing it Further to what Government of Uganda stated in its Position presented in writing to the UN Group of Experts in June, 2005 paragraphs 5.1, 5.2, 5.3, 5.4 and 5.5 as well as Addendum, relating to the issue of armed groups, Government of Uganda took a decision on 22 August, 2005 to declare Persona Non Grata all the Congolese militia leaders that had fled to Uganda seeking asylum against what they said was persecution by the DRC Government. Government also warned these elements that if they did not leave the country within 48 hours they would be arrested and prosecuted. They all subsequently left. If ever any of them crossed back into Uganda, they will face any of the following consequences as applicable:

- charged under the Ugandan immigration law for illegal entry;

- upon release, to be allowed to return to Congo voluntarily, if they so wish;

- extradited to DRC if by then the two countries have signed a bilateral Extradition Treaty;

- handed to the International Criminal Court if an international warrant of arrest has been issued.

As a matter of Government policy, Uganda does not accord asylum to applicants from any neighbouring country. Uganda is also opposed to informal handing over of people without a legal framework. Uganda does not grant asylum to any individual or group associated with anti-government activities in the region.

Since the issue of Congolese militia has continued to feature in UN Reports, Uganda deems it necessary to provide the following background. The said militia leaders came to Uganda in June 2005. They were coming from Goma. When they arrived in Uganda, they had no arms but had political documents which they handed over. In

the documents, they stated that they wanted to launch a rebellion in Congo. They gave their reasons as, among others, the Government of President Kabila not accepting to integrate them. Government of Uganda subsequently took the following measures:

(i) H.E. President Museveni sent Gen. Aronda Nyakairima, Army Commander, to carry a written message to President Kabila stating that there was a group which had come to Uganda and were complaining about not being integrated. Government of Uganda opposed their plans.

(ii) Government of Uganda told this group that there was no need for rebellions in the DR Congo but elections. They were advised to form a political party, campaign against President Kabila and defeat him in elections, with the support of the people and not with arms.

(iii) Uganda's Refugee Eligibility Committee under the Office of the Prime Minister rejected their application for asylum.

Uganda wishes to unequivocally state that the leaders of the militia left and are not in Uganda. On the day the Congolese were declared persona non grata, Mr. Bwambale Vihuto Kakolele left Uganda for Nairobi aboard Kenya Airways Flight KQ415; the Government of Uganda will make available a copy of the manifest to attest to this fact.

On 25th August 2005 the following four Congolese left Kampala for DRC by road aboard Kalita Bus and exited at Rwebisengo to Boga; they are:

1. Mr. Mbuna Dieudonne
2. Mr. Nguojolo Chui Mathiew
3. Mr. Dido Manyiroha
4. Mr. Munganga Sambidu Jean Pierre.

The 6th Congolese, Mr. Justine Lobo, left Kampala for DRC by road aboard Kalita Bus and exited at Rwebisengo to Geti.

Government of Uganda wishes to further inform that the number of Congolese was 14 but 08 of them stayed in Uganda for 02 days and left on the 16th June, 2005. The eight were:

1. Mr. Kaswara Arsene
2. Mr. Kambale Muobao
3. Mr. Toongho Taban
4. Mr. Sharif N
5. Mr. Asiki John
6. Mr. Kasangaki Castro
7. Mr. Avech Jean Paulo
8. Mr. John Tibasima.

In the same spirit that Uganda expelled Congolese militia leaders, Government of Uganda urges the Government of DRC and the international community to respond to Uganda's longstanding calls to deal decisively with the 2,000 ADF/NALU, 500 PRA, LRA and any other groups or individuals who are based in Eastern DRC and are threatening Uganda's national security.

Despite all the positive endeavours by Uganda towards DRC, Government of Uganda remains disappointed and deeply concerned at the way the authorities of the government of DRC handled the LRA terrorist group which relocated to DRC and despite the ICC issuance of warrant of arrest, the terrorist were provided with food, medicine, logistics, weapons as well as escort to return to Sudan. Government of Uganda has not received any satisfactory explanation for this state of affairs. Instead about 70 LRA elements have returned to DRC."

Government of Uganda wishes to reiterate that MRC cannot be supported by Uganda. It is cooperating with Ugandan rebels in Eastern DRC like LRA, ADF and PRA. Government of Uganda further wishes to inform that one of the MRC Commanders who were declared Persona Non Grata by Uganda Government called Dido Manyiroha, returned to Uganda. He was arrested, charged with terrorism and illegal possession of fire arms and is remanded in Luzira Maximum Prison.

14. CONCLUSION

The imposition of the arms embargo on the DRC remains one of the few concrete efforts by the international community to stabilize the situation. Its success is in the interest of both the DRC and the region. Uganda is more than ready and willing to help in any stabilization effort to strengthen the embargo and make it more effective. She was the lead advocate for the extension of the embargo to cover the whole DRC instead of the Eastern part of the country it was originally meant to cover.

The arms embargo has not been as effective as we originally hoped for various reasons, including:

(i) the absence of a strong state capable of exercising sovereignty over the breadth and length of the country.

(ii) apparent slow process and near failure to reform the security sector especially, the integration of armed groups, and creating a clear chain of command thereof.

(iii) the ideological failure to instill national loyalty in the integrated forces (cases of dual loyalty abound).

(iv) failure of the international community to appreciate the urgent need to re-create state institutions, especially the failure of the international community to appreciate the urgent need to re-create state institutions especially the armed forces, customs, immigration and the civil service.

(v) failure to create an effective Aviation Authority capable of policing the Congolese airspace and the multitude of airfields dotted around the country.

(vi) the apparent belief that the success of the embargo solely depends on DR Congo's neighbours and not on internal Congolese efforts only supplemented by the former.

It is the view of Uganda that a deliberate effort should be made to address the above issues. The Group of Experts in their superficial effort to enforce the Embargo gloss over them. They seek to raise contentious non-issues in an attempt to get their mandate renewed. Such a situation is not helpful and defeats the real purpose of the embargo - which is peace and security for DRC and the Great Lakes Region. Realism should replace obscurantism.

	Subject	Sent	Size
	FW:	Fri 11/4/2005 3:21...	694 KB
	FW:	Fri 11/4/2005 3:20...	693 KB
	FW: To Mbandeka Nov 2004 - 26 10 2005	Fri 11/4/2005 3:20...	18 KB
	FW: To Mahagi Nov 2004 to 26 10 2005	Fri 11/4/2005 3:19...	152 KB
	FW: To Mahagi Nov 2004 - 26 10 2005	Fri 11/4/2005 3:19...	25 KB
	FW: to Kisangani/Bangoka Nov 2004 - 26 10 2005	Fri 11/4/2005 3:19...	152 KB
	FW: To Kindu NOV 2004 - 26 10 2005	Fri 11/4/2005 3:19...	32 KB
	FW: To Isiro/Matari Nov 2004 - 26 10 2005	Fri 11/4/2005 3:18...	18 KB
	FW: To Goma Nov 2004 - 26 10 2005	Fri 11/4/2005 3:18...	70 KB
	FW: To Goma Nov 2004 - 26 10 2005	Fri 11/4/2005 3:18...	70 KB
	FW: To Bukavu/Kavumu Nov 2004 - 26 10 2005	Fri 11/4/2005 3:17...	88 KB
	FW: To Beni/mavivi Nov 2004 - 26 10 2005	Fri 11/4/2005 3:17...	70 KB
	FW: To Beni Nov 2004 - 26 10 2005	Fri 11/4/2005 3:17...	20 KB
	FW: From Mbandaka Nov 2004 - 26/10/2005	Fri 11/4/2005 3:17...	17 KB
	FW: From Mahagi Nov 2004 - 26/10/2005	Fri 11/4/2005 3:16...	18 KB
	FW: From Kisangani Bangoka Nov 2004 - 26/10/2005	Fri 11/4/2005 3:16...	154 KB
	FW: From Kinshasa Nov 2004 - 26/10/2005	Fri 11/4/2005 3:16...	61 KB
	FW: From Kindu Nov 2004 - 26/10/2005	Fri 11/4/2005 3:15...	37 KB
	FW: From Isiro-Matari Nov 2004 - 26/10/2005	Fri 11/4/2005 3:15...	18 KB
	FW: From Bunia Nov 2004 - 26/10/2005	Fri 11/4/2005 3:15...	708 KB
	FW: From Bukavu Nov 2004 - 26/10/2005	Fri 11/4/2005 3:14...	94 KB
	FW: From Beni/mavivi Nov 2004 - 26/10/2005	Fri 11/4/2005 3:14...	30 KB
	FW: From Beni Nov 2004 - 26/10/2005	Fri 11/4/2005 3:14...	20 KB
	FW: flights to Boni from Nov-2004 to 26 10 2005	Fri 11/4/2005 3:13...	24 KB
	FW: Flights To Kinshasha from Nov 2004 to 26 10 2005	Fri 11/4/2005 3:13...	83 KB
	Additional Docs	Fri 11/4/2005 3:11...	1 MB
	Aircrafts Flight Plans to DRC	Fri 11/4/2005 3:08...	38 KB

Existing and potential trade between Uganda and Democratic Republic of the Congo in 2004

Uganda's exports have been reported by Uganda

Democratic Republic of the Congo's imports have been reported by partners countries

Product code	Product label	Uganda's exports to Democratic Republic of the Congo		Democratic Republic of the Congo's imports from world			Uganda's exports to world			Indicative potential trade in US$ thousand
		Value 2004 in US$ thousand	Annual growth in value between 2000-2004, %	Value 2004 in US$ thousand	Annual growth in value between 2000-2004, %	Market share in world imports %	Value 2004 in US$ thousand	Annual growth in value between 2000-2004, %	Market share in world exports %	
	All products	28,806	32	985,762	16	0.0	639,473	-1	0.0	70,173
01	Live animals	0		493	8	0.0	131	24	0.0	70
02	Meat and edible meat offal	0		34,110	-2	0.1	451		0.0	187
03	Fish, crustaceans, molluscs, aquatic invertebrates nes	13		11,352	28	0.0	99,604	14	0.2	686
04	Dairy products, eggs, honey, edible animal product nes	0		31,489	25	0.1	327	-10	0.0	292
06	Live trees, plants, bulbs, roots, cut flowers etc	0		154		0.0	30,265	16	0.2	106
07	Edible vegetables and certain roots and tubers	2,131	44	7,433	33	0.0	10,102	15	0.0	2,198
08	Edible fruit, nuts, peel of citrus fruit, melons	0		920	23	0.0	1,769	-18	0.0	151
09	Coffee, tea, mate and spices	18		1,817	-10	0.0	168,021	-9	1.1	1,217
10	Cereals	491	26	35,794	59	0.1	13,136	19	0.0	2,696
11	Milling products; malt, starches, inulin, wheat gluten	4,759	29	36,874	2	0.5	10,903	46	0.1	2,614
12	Oil seed, oleagic fruits, grain, seed, fruit, etc. nes	13	-46	395	-14	0.0	3,481	11	0.0	0
13	Lac, gums, resins, vegetable saps and extracts nes	0		102	-31	0.0	243	23	0.0	17
15	Animal, vegetable fats and oils, cleavage products, etc	543	-14	12,838	-5	0.0	6,775	3	0.0	3,886
16	Meat, fish and seafood food preparations nes	0		10,784		0.0	393	187	0.0	85
17	Sugars and sugar confectionery	905	11	20,089		0.1	1,831	-7	0.0	668
18	Cocoa and cocoa preparations	0		2,127	49	0.0	6,811	41	0.0	10
19	Cereal, flour, starch, milk preparations and products	1,551	73	10,642	15	0.0	2,375	13	0.0	821
20	Vegetable, fruit, nut, etc food preparations	12	-19	5,269	25	0.0	214	-20	0.0	82
21	Miscellaneous edible preparations	368	24	9,087	10	0.0	902	5	0.0	109
22	Beverages, spirits and vinegar	252	-41	5,646	-1	0.0	2,939	7	0.0	685
23	Residues, wastes of food industry, animal fodder	0		671	2	0.0	951	81	0.0	389
24	Tobacco and manufactured tobacco substitutes	703	-6	12,354	4	0.0	40,685	0	0.2	322
25	Salt, sulphur, earth, stone, plaster, lime and cement	1,081	105	20,705		0.1	3,269	81	0.0	956
27	Mineral fuels, oils, distillation products, etc	97	-10	79,019	23	0.0	26,609	-39	0.0	14,876
28	Inorganic chemicals, precious metal compound, isotopes	149	58	8,360	-6	0.0	296	-10	0.0	54

29	Organic chemicals	31	39	4,813	11	0.0	439	-3	0.0	236
30	Pharmaceutical products	127	23	23,787	21	0.0	1,787	3	0.0	1,552
31	Fertilizers	58		30,394		0.1	367	253	0.0	79
32	Tanning, dyeing extracts, tannins, derivs, pigments etc	31		5,051	-3	0.0	413	46	0.0	310
33	Essential oils, perfumes, cosmetics, toiletries	254	3	11,181	18	0.0	2,175	27	0.0	898
34	Soaps, lubricants, waxes, candles, modelling pastes	825	-12	20,666	9	0.1	8,617	29	0.0	3,216
35	Albuminoids, modified starches, glues, enzymes	0		1,445	30	0.0	32	75	0.0	29
36	Explosives, pyrotechnics, matches, pyrophorics, etc	32	132	1,151		0.0	111	107	0.0	79
37	Photographic or cinematographic goods	0		3,025	39	0.0	19	46	0.0	13
38	Miscellaneous chemical products	0		7,728	19	0.0	107	37	0.0	94
39	Plastics and articles thereof	499	83	21,349	20	0.0	4,355	-3	0.0	2,229
40	Rubber and articles thereof	75	143	15,568	30	0.0	444	15	0.0	348
42	Articles of leather, animal gut, harness, travel goods	0		7,402	60	0.0	82		0.0	68
44	Wood and articles of wood, wood charcoal	336		1,070	-8	0.0	1,454	104	0.0	69

Source: ITC calculations based on COMTRADE statistics

Next

Trade data over 3 years

List of product groups (HS2) exported by Uganda

List of product groups (HS2) imported by Democratic Republic of the Congo

Import side

Bilateral trade (HS4) sorted by potential trade

Bilateral trade (HS6) sorted by potential trade

Selection menu

Help

SUBMISSION OF GOVERNMENT OF UGANDA TO THE UN GROUP OF EXPERTS ON THE ARMS EMBARGO ON THE DEMOCRATIC REPUBLIC OF CONGO PURSUANT TO SCR 1616 (2005)

This submission follows a Meeting between Uganda Government Officials and the UN Group of Experts on the Arms Embargo, held at the Ministry of Foreign Affairs on Tuesday 25th October, 2005. The list of participants at this meeting appears in Appendix I.

This Report is preliminary because of the speed at which it has been written and compressed time within which it has had to be produced. A final submission will be submitted as soon as possible.

1.0 INTRODUCTION

1.1 The problems of the Great Lakes Region really require a very deep understanding of the undercurrents. The Government of Uganda philosophy of the Great Lakes Region is that :

(i) The Region has had very interesting historical perspective of being a confluence of various regional and colonial forces. The Great Lakes Region is the only region in Africa where there was a combination of French, British, German and Portuguese influence and is also buffering Arabs in the North. With that kind of mixture, there is bound to be different interpretations or conflicts of interpretations.

(ii) The region is has been afflicted by its own reality of immense resources that have not been properly handled as it were, thus subjecting it to all sorts of exploitation both from within and from outside the region. By-ut the proceeds never being invested here.

(iii) The region had to witness a terrible tragedy of genocide as recently as 10 years ago, which not many parts of the world have experienced.

(iv) The region is also the water-head of Africa as all major rivers flow from this region.

(v) The region has gone through explosive, chaotic and exploitative situations. Blames are directed at various actors.

1.2 In light of this, there is need for an objective approach. In the International Conference on the Great Lakes Region, one of the major focus is exploitation of natural resources but also peace and security, governance and stability. It is hoped that through the Conference process, in the long-term the underlying issues currently occupying the world today in the Great Lakes Region will be addressed.

1.3 Government of Uganda as always will work closely with the UN Group of Experts and in a candid and open way explain the situation as it is and with a view to having areas of concern addressed. It is hoped that the UN Group of Experts will understand that the issues in the Great Lakes Region are much more complicated than meets the eye and should, therefore, be met from a constructive perspective.

2.0 THE REPORT OF THE UN GROUP OF EXPERTS

Government of Uganda received the Report of the Group of Experts on the Arms Embargo on the Democratic Republic of Congo. The Report (S/2005/436) submitted to the UN Security Council in July, 2005, raised a number of areas of concern. A number of consultations have been undertaken with relevant stakeholders in Uganda. Government of Uganda submitted responses to the Report in an attempt to provide clarifications and additional information as requested.

3.0 THE MISSION OF THE GROUP OF EXPERTS IN OCTOBER 2005

3.1 In view of the visit to the Region by a Delegation from the UN Security Council scheduled for 4-11 November, 2005, the Group of Experts was mandated to visit the region and meet in advance with the relevant actors in Kinshasa, Kampala and Kigali. The UN Security Council Delegation will be in Uganda on 7-9 November, 2005.

3.2 The Group of Experts raised the following specific issues :

(i) The GoE now insists on being given full access to the Nakasongola firearms factory.

(ii) The group also needs the lists of ammunition produced in Uganda since July 2003 (including all relevant markings and lot numbers).

(iii) The list of DRC rebels if any, presently located on Uganda territory and what controls have been placed on these individuals as well as what efforts have been made to disarm them.

(iv) The GoE wishes to visit and inspect relevant registers and logbooks at the military airfield in Entebbe.

(v) List of Gold Exports, Imports and Production : The GoE would like to obtain the actual annual amounts of domestic gold production, as well as the actual imports/exports detailing also the countries of origin/destination.

3.3 The Group whose mandate extends up to 31st January, 2006 intend to submit their report on the above and any other relevant issues by 10th January, 2006. The GoE informed that it would make its initial report to the UN Security Council on 29/10/05.

3.4 The Group also requested for further information on :

(i) The flight data for incoming and outgoing flights Entebbe-DRC for March-October, 2005.

(ii) The flight data for Entebbe Airport 2004-2005.

(iii) The list of airline companies operating in Uganda and registered in Uganda and copies of documents relating to them, including Registration Certificates.

(iv) Copy of the Report on the Accident of the Congolese Antonov which crashed near Entebbe.

(v) Flight data for Entebbe military base for 2004-2005.

The Civil Aviation Authority promised to provide all the information required by the GoE.

3.5 Specific requests to the Minstry of Defence

The Minister of Defence of the Republic of Uganda has received the requests of the GoE to :

(i) to inspect Nakasongola arms factory ;
(ii) to access the lists of ammunition ;
(iii) to inspect registers and logbooks at Entebbe military air base.

The Minister is carrying out the necessary consultations. and at an appropriate level and time, he will be able to advise the GoU on the decisionn that the Government will have made on the three requests.

4.0 DRC REBELS

4.1 The GoE reported according to their investigations and sources. DRC rebels keep moving in and out of Uganda. The GoE advised that if that were the case, Government of Uganda should not allow the rebels to enter its territory. to move freely witin and should not encourage them in their designs.

4.2 The response of the Government of Uganda is as follows :

4.2.1 Government of Uganda is not aware of any presence or movement of such groups in Uganda at present and requests the UN group of Experts to provide the names of alleged individuals. their transit routes and their suspected locations to ease Governmet's further investigation action.

4.2.2 Uganda supports all efforts to bring about stability in DRC. Uganda has no interest nor intention to back armed groups opposed to the Government of DRC or bent on destabilising DRC. Further to what Government of Uganda stated in its Position presented in writing to the UN Group of Experts in June, 2005 paragraphs 5.1, 5.2. 5.3, 5.4 and 5.5 as well as Addendum, relating to the issue of armed groups, Government of Uganda took a decision on 22 August. 2005 to declare Personna Non Grata all the Congolese militia leaders that had fled to Uganda seeking asylum against what they said was persecution by the DRC Government. Government also warned these elements that if they did not leave the country within 48 hours from when that firm decision was taken. they would be arrested and prosecuted. They subsequently all left Uganda. If

ever any of them crosses back into Uganda, they will face any of the following consequences as applicable :

(i) charged under the Ugandan law for illegal immigration and subsequently put in prison :

(ii) upon release, to be allowed to return to Congo voluntarily, if they so wish :

(iii) extradited to DRC if by then the two countries have signed a bilateral Extradition Treaty ;

(iv) handed to the International Criminal Court if an international warrant of arrest has been issued.

4.2.3 As a matter of Government policy, Uganda does not accord asylum to applicants from any neighbouring country. Uganda is also opposed to informal handing over of people without a legal framework. Uganda does not grant asylum to any individual or group associated with anti-government activities in the region.

4.2.4 Since this issue of Congolese militia has continued to feature in UN Reports, Government of Uganda deems it necessary to provide this background.

The said militia leaders came to Uganda in June 2005. They were coming from Goma. When they arrived in Uganda, they hasd no arms but had political documents which they gave to our people. In the documents, they stated that they wanted to launch a rebellion in Congo. They gave their reasons as, among others, the Government of President Kabila not accepting to integrate them. Government of Uganda subsequently took two measures:

(i) H.E President Museveni sent Gen Aronda Nyakairima, Army Commander to carry a written message to President Kabila, stating that there was a group which had come to Uganda, this is what they are complaining about (not being integrated), and Government of Uganda did not agree with what they were planning.

(ii) Government of Uganda told this group that there was no need for other rebellions in Congo but elections; "if you are not happy with Kabila, form a political party, campaign against him

and defeat him in elections, with the support of the people and not with arms.

When the Ituri groups were in Uganda they were staying in a house doing nothing but some quarters of the international community reported that Uganda was harbouring terrorists.

Uganda's Refugee Eligibility Committee under the Office of the Prime Minister rejected their application for asylum. When propaganda persisted that Uganda was harbouring terrorists against Congo, we decided to expel them and declared them persona non grata because it seems our partners did not understand our advice. Government of Uganda had hoped that the Kinshasa government would talk to these groups so as to get them integrated.

Government of Uganda wishes to unequivocally state that the leaders of the militia left and are not in Uganda.

On the day the Congolese were declared persona non grata, Mr. Bwambale Vihuto Kakolele left Uganda for Nairobi aborad Kenya Airways Flight KQ415; the Government of Uganda will make available a copy of the manifest to attest to this fact.

On 25th August, 2005 the following four Congolese left Kampala for DRC by road aboard Kalita Bus and exited at Rwebisengo to Boga; they are:

1. Mr. Mbuna Dieudonne;
2. Mr.Nguojolo Chui Mathiew;
3. Mr.Dido Manyiroha;
4. Mr.Munganga Sambidu Jean Pierre.

The 6th Congolese , Mr. Justine Lobo is also said to have later left Kampala for DRC by road aboard Kalita Bus and exited at Rwebisengo to Geti.

Government of Uganda wishes to further inform that the number of Congolese was 14 but 08 of them stayed in Uganda for 02 days and left around 16th June, 2005. The eight were:

1. Mr. Kaswara Arsene
2. Mr. Kambale Muobao
3. Mr. Toonghe Taban

4. Mr.Sharif N
5. Mr.Asiki John
6. Mr. Kasangaki Castro
7. Mr.Avech Jean Paulo
8. Mr.John Tibasima

4.2.5 In the same spirit that Uganda expelled Congolese militia leaders, Government of Uganda urges the Government of DRC and the international community to respond to Uganda's longstanding calls to rout out 2,000 ADF/NALU, 500 PRA and any other groups or individuals who are based in eastern DRC and are threatening Uganda's national security and stability.

Despite all the positive endeavours by Uganda towards DRC, Government of Uganda remains disappointed and deeply concerned at the way the authorities of the Government of DRC handled the LRA terrorist group which relocated to DRC and despite the ICC issuance of warrant of arrest, the terrorists were, instead of being rounded up, provided with food, medicine, logistics, weapons as well as escort to return to Sudan. Government of Uganda has not received any satisfactory explanation for this state of affairs. Instead about 70 LRA elements have returned to DRC.

4.2.6 Government of Uganda further informs that following allegations by the UN Group of Experts about the so-called arms sources and transits through Uganda to DRC, Government of Uganda, on its own initiative recommended in July, 2005 that the two countries set up a Joint Investigation Team composed of the two countries' military intelligence officers (two per country) to verify allegations of arms sources and conduits through Uganda. This was pursuant to the Directive of the Heads of State of 10th July, 2005 at the Kampala Summit between President Museveni and DRC Vice President Ruberwa. The DRC Government agreed to this arrangement and the Team was constituted and mandated to investigate and verify allegations on :

(i) Arms trafficking/supplies and logistical support from Uganda to the militias in Eastern DRC;

(ii) Training of the militia in Uganda;

(iii) Provision of sanctuary to the militias;

(iv) Incursion into DRC by UPDF.

The Team carried out its mission from 12th to 30th September. 2005 in all suspected sites including Bundibugyo Sector. Isasha Sector. Bun. gana. Goli and Mahagi. Vurra and Arua. MONUC participated in the verification exercise at Isasha. Banagana and Goli/ Mahagi and Arua sectors. These were impromptu investigations without prior notification or arrangement. At the end of the mission, the Team signed joint reports also countersigned by MONUC which was facilitator. All allegations were found to be false and unfounded.

Government of Uganda remains more than ready to investigate any further allegations if the UN group of Experts can provide the relevant leads.

While these bilateral efforts are underway, Government of Uganda also calls on the international community to consider seriously building the capacity of DRC Government or MONUC's capacity to monitor the air space of DRC by installing an air surveillance system which is lacking. This lack of a reconnaissance radar in eastern DRC, an area with 325 air strips. makes DRC Government and MONUC unable to detect illegal flights and this accounts for speculation on the source of arms and using Uganda as a scapegoat. DRC Government should be encouraged to approach the International Civil Aviation Authority (ICAO) for assistance in this regard.

4.3 The UN Group of Experts sought to know the lagal procedure applied in regard to the militia that were recently expelled from Uganda. such as :

(i) whether they were escorted out of Uganda territory ;

(ii) whether border authorities were instructed to be vigilant in case the group/individuals attempt to cross back ;

(iii) whether Government of Uganda notified the UN Sanctions Committee.

Government of Uganda undertakes to provide the GoE with a copy of the Statement read out to the public on 23rd August. 2005 by Hon. Dr. Ruhakana Rugunda, Minister of Internal Affairs; the said statement made Uganda's decision and position clear not only to the members of the public but also to all Governmemt Offcials including those in the Immigration Department.

Government of Uganda also undertakes to provide to the GoE a copy of the Letter subsequently written to the Head of MONUC Office in Kampala by Col. James Mugira, Chieftain of Military Intelligence: this letter was intended to inform the international community. But if that is not sufficient, Government of Uganda will proceed to write to the UN Sanctions Committee as recommended by the GoE.

Paragraph 4.2.4 of this Report indicates how the group that was declared persona non grata departed and when the other part of their group left earlier in June, 2005.

5.0 IMMIGRATION ISSUES

5.1 The problem of the porosity of borders should not be under-estimated and it is inconceivable that Government of Uganda can seal each and every inch of the 1,200 km border with DRC. This implies that people continue to cross the common border from either side without necessarily passing throgh the gazetted exit/entry points.

5.2 At Vurra, Lia and Dramachaku, which are the points over which the UN group of Experts has raised concern, Government of Uganda has inadequte personnel and they have limited means of border monitoring/patrol. Vis-à-vis on Congo side has no equivalent gazetted point on Uganda side.

5.3 In order to strengthen the capacity of our Immigration and in the process to address those concerns, Government has recently recruited and trained personnel for the Immigration Department and these efforts will continue. However, equipment and logistics remain a challenge yet to be addressed even in places like Ntoroko where personnel have been posted.

5.4 As stated in the Government of Uganda Position Paper of June, 2005, Uganda welcomes any support that the international community can provide to renforce the efforts being made by Government to render efficient and effective Immigration services. At this juncture, Government of Uganda wishes to recognise the support by the US Government for capacity building against terrorism. We also acknowledge the back up by MONUC with Monitoring Boats on L.Albert. More of such assistance is needed and it is more helpful than blaming us for gaps occasioned by limited capacity in some instances.

6.0 AVIATION MATTERS

The submission in June. 2005 by Government of Uganda to the UN Group of Experts addressed most concerns regarding aviation. In light of the UN Report of 26 July. 2005. the Government of Uganda has deemed it necessary to make the following clarifications :

6.1 Following the normalisation of airlinks between Uganda and DRC. it became necessary for the Uganda Civil Aviation Authority (CAA) to review the nature and the conditions of civil air operations in and out of Uganda to and from DRC. In this regard, only companies that operated aircraft that are compliant with the International Civil Aviation Organisation Standards and Recommended Practices [ICAO SARPS) would qualify to mount the services. Such companies had to be duly licenced by Civil Avaition Authority in accordance with the ICAO SARPS. Companies namely. Air Navette, Showa Trade. Services Air and Volga Atlantic did not qualify for such licences. Accordingly, on 15 March 2005. CAA decided that these companies had to cease operations w.e.f. 31st March 2005. The companies were individually notified as evidenced in the letter to the Managing Director of Showa Trade. Ref. CAA/05/SAL/421 dated 22nd March, 2005. Firthermore. the companies were advised that in order for any aircrat to fly, it had to first comply with the CAA Licensing and Certifitcation requirements and, beside the aircraft of Uganda People's Defence Forces (UPDF) and the United Nations Military Observer Mission to DRC (MONUC). all other aircraft must relocate operations out of the Old Airport.

6.2 Following. the above decision the affected operators made an appeal to the Hon. Minsiter for Works, Housing and Communciations who in response convened a meeting on 5th May.2005 attended by CAA officials and representatives from Air Navette and Services Air. The Ministerial letter Ref. MIN/PERS/26 dated 4 May 2005 refers.

At that the said meeting. the Hon. Minister re-affirmed that air operators within the Uganda Air space must comply with CAA Licensing and Certifitcation requirements. He advised the concerned operators to acquire the necessary operating licences and certificates. All the operators in question failed to qualify for the licences and certificates. However. following the intervention by the Congolese Government in correspondence. Ref. No. 416/DAC/TC/SEC/601/2005 dated 28th May. 2005. signed by Mr. Nsiye Ipan N 'Sondey. Director of Civil Aviation. DRC. CAA Uganda allowed M/s Air Navette and Services Airs to fly into Entebbe on case-by-case consideration and on the understanding that

the Congolese Aeronautical Authorities would continuously take responsibility for the Safety Oversight of the aircraft being operated by these companies. On the basis of this understandng, only two operators managed to secure the undertaking from the Congolese Civil Authorities.

6.3 Showa Trade and Volga Atlantic failed to produce the Congolese commitments and, therefore, ceased to operate in and out of Uganda ; and as evidence of this, on June 21, 2005, Mr Albert Okelowange of Showa Trade wrote letter Ref. STAC/21/06 dated 21st June, 2005 to CAA, Entebbe International Airport advising that they were flying out for the last time and would not come back to Uganda. Similarly, Volga Antlantic's last flight left on 19th June, 2005. It is, therefore, disgustingly surprising that Volga Atlantic continues to feauture in UN Reports on Uganda and yet it no longer flies in Uganda following their failure to meet the safety standards and their inability to produce letters of guarantee from the Congolese Authorities where the company is registered. Government of Uganda maintains that only Service Air and Air Navette are the two companies operating because of the commitment from the Congolese authorities. Government of Uganda wishes to challenge the UN Group of Experts to produce evidence to the contrary rather than persisting in making unsubstantiated allegations.

6.4 Further, on the strength of the afore-cited official communication from the Congolese authorities, Government of Uganda wishes to contend that the UN Group of Experts should not have placed Air Navette and Services Air in the category of illegal operators since the Government of Uganda and the Government of DRC are fully aware and approve of their operations. It should be noted that when the Congolese government was vouching for these operators, it indicated that they were engaged in humanitarian operations. They were supported by international NGOs like MSF Swiss which in their e-mail dated **7th April, 2005** by Mr. Miquel Serra In-charge **Logistics in Kampala** appealed to CAA to allow the Antinov Aircraft operated by Air Navette and Service Air to operate as they were « serving a good cause in Congo». In this connection, the Government of Uganda wishes to register its displeasure with some of the International NGOs like the one mentioned above which have had a hand in not wanting to follow the established standards for providing relief to the DRC by air and as a result Uganda is having to carry their blame. The e-mail from MSF-Switzerland was pressuring CAA to allow the use of the Old Airport to operate into the DRC. As a matter of fact, the International NGOs are the major charterers of the services of Air Navette and Services Air.

In 2004 when Uganda stopped operations in Congo, there were numerous appeas involving some UN Agencies ; in the same vein, OCHA Delegate has to come and intervene

Correspondence cited in the above account has been submitted to the GoE on 26/10/05.

6.5 The GoE has asked GoU to explain why although the designated flights between Uganda and DRC were authorised to fly to only Bunia, Goma and Bukavu, they have been flying to other areas in DRC. The Response of GoU is that first of all the companies flying from Uganda to DRC are not Ugandan registered but DRC registered; secondly, they are not flying at the initiative of Uganda but at the request of DRC; thirdly, when they are flying from Uganda they always file their flight plans indicating they are flying to either of the aforecited mutually agreed destinations. What they do when they are in Congolese territory is for the DRC Government to explain as Uganda is not responsible for DRC flight information region(FIR). CAA, Uganda promised to provide to the GoE the flight plans of the said aircraft.

6.6 Also contrary to the false allegations by the UN Group of Experts, none of those aircraft are still operating from the Entebbe Military Air Base (the old airport). Government of Uganda also wishes to clarify that the old airport is only left to MONUC and UPDF aircraft. Other flights from Entebbe to Congo, namely CETRACA and TMK, are covered under the Memorandum of Understanding signed between Uganda and DRC on 30th April, 2004. They were designated by DRC under the Bilateral Air Services Agreement (BASA). Ugandan military aircraft confine their operations within the Uganda territorial boundaries under the effective control of the Ugandan air traffic control establishment.

Government of Uganda welcomes the UN Group of Experts to examine the aircraft movement data covering any period, which is available on request from the CAA. We have nothing to hide.

6.7 At the time of receiving the Government of Uganda written Position, the UN Group of Experts quoted sources within MONUC as the origin of allegations of the civilian aircraft using the old airport. Government of Uganda wishes to request that instead of MONUC making unsubstantiated allegations which are subsequently carried in the Report of the UN Group of Experts, MONUC be asked to produce details of the aircraft (registration, date, time, cargo, passengers, destinations) that they claim to have seen fly in and out of Entebbe military airbase.

6.8 Government of Uganda wishes to inform that in spite of the commitment by the Congolese Government to take care of the safety obligations of Air Navette and Services Air. Government of Uganda remains concerned of the safety status of these operators and so. **on 15th September. 2005,** the Board of Civil Aviation Authority decided that within three months the two operators have got to wind up operations in Uganda. After 1st January. 2006. aircraft that do not comply with the Uganda Airworthiness Code will not be permitted to operate within the Uganda airspace.

6.9 While Government of Uganda has a fully functional and effective air traffic control system to cover its air space, neither DRC nor MONUC has air surveillance mechanism to be able to detect and identify planes in DRC air space. This is confirmed by the UN Group of Experts in para 91 of their Report. Government of Uganda. therefore. recommends that the capacity of DRC and MONUC be enhanced to attain air surveillance capability to avoid speculation and unsubstantiated allegations which hurt the image of neighbouring states and jeopardise relations with DRC.

6.10 On the request of the GoE at their meeting with Ugandan officials on 26th October. 2005. Government of Uganda wishes to provid ethe following further clarification.

- It is the understanding of the Government of Uganda that Bilateral Air Service Agreements (BASA) between countries do cater for scheduled operations. They have to state particular entry and exit points and concerned operators fly on approved time. In the case of the MoU concluded between Uganda and DRC, it addresses flights under the category of scheduled flights. DRC and Uganda were each required to designate an equivalent number of airlines and destinations where to land and take off. The Congolese decided to allow their own designated operators for scheduled flights to specific destinations. None of the Ugandan carriers enjoy these provisions as none of them flies to DRC. It is only Congolese carriers namely SATRACA and TMK that operate from Congo to Entebbe. Eagle Air which the GoE cited during the meeting with Uganda officials has not been designated much as it has requested to be designated for scheduled flights.

- Government of Uganda wishes to state that the above-mentioned MoU does not address non scheduled or ad hoc flights. Ad hoc operators may be humanitarian, private or others. Non sheduled

flights can only be allowed to take off from Entebbe if they provide proof of clearance from the Congolese Civil Aviation Authority. This is in accordance with the Letter of Procedure between Entebbe FIR and Kinshasa FIR. Copies of the MoU and of the Letter of Procedure were submitted to the GoE in June, 2005.

6.11 Regarding the Antonov 28 grounded in Kigali, and Bearing Congolese and Kyrgyzstan registrations but whose routing is said to have included Entebbe, Government of Uganda remains open to collaboration in full investigation of the said aircraft to establish the full details of the case. Again, the Congolese need to be assisted to build capacity to be able to handle civil aviation matters in accordance with the ICAO SARPS. For instance, an aircraft cannot have dual registration. For any state to register an aircraft, it should satisfy itself that the aircraft in question is not registered elsewhere. It is puzzling that Uganda is being made to bear the blame for the lapses on the part of the concerned countries.

6.12 Concerning the aircraft which crashed 6mls NW of Entebbe Airport in March, 2005 the investigations were carried out and the Report was submitted to the Minister of Works, Transport and Communications. An executive summary of the final report released to the press by the Minister indicated the probable cause of the accident as a function of: Overloading, Poor maintenance, and failure of one of the engines at take-off.

As soon as the Report goes through the organs of the Government of Uganda, it will be made public and the UN Group of Experts can then be availed a copy.

7.0 GOLD PRODUCTION, EXPORTS, IMPORTS

Issues of concern on illegal trade in Congolese Gold in Uganda are highlighted under the UN GoE Report, July 2005 in Paragraphs 78, 79, 82 and 83.

Government of Uganda comments on the allegations per paragraph are as follows:

7.1 Proper context

Para 78

As submitted in the Government of Uganda Position Paper of June, 2005, trade between Uganda and DR Congo across the common border is historical and predates DRC's independence and hence the current crisis in DRC.

This trade was largely barter trade i.e exchange of commodities. DRC traders sell gold and convert it to convertible currency to import commodities required by Congolese.

This kind of transaction is not unique to gold alone or DRC alone. Ugandans export commodities at their disposal like coffee, tea, minerals and convert them to convertible currency to import required items in Uganda.

Gold is a more convertible commodity acceptable in the international banking system. Therefore, trading in gold as a medium of exchange is a normal activity.

Para 79

Gold is a normal trading commodity sold by Congolese traders in order for them to import the items required by their people. When these items are available in Uganda, like soap, cooking oil and building materials they are supplied right away. Others that need to be imported outside Uganda require convertible currency, mostly the dollar (US$). What happens therefore is that Congolese traders sell gold to Ugandan traders who in turn supply both the locally available goods and the imported items as required by the gold suppliers.

Para 82

The UN Group of Experts Report carries an allegation of loss to the DRC economy attributed to gold trade conducted by large dealers in Kampala. In the same Report, the Group of Experts acknowledges in para 79 that actually proceeds of gold are compensated for in form of foodstuff and consumer products required by the Congolese people. This means that gold supports the livelihood of the Congolese people and in turn their economy.

As a matter of fact, there are presently no big mining companies producing gold in DRC : the gold production is by small scale, artisanal, producers estimated to constitute 50% of the population of Eastern DRC. This population benefits directly from the gold trade by accessing cash payments for their gold and by accessing the imported items imported through their sale of the gold.

7.2 Production

para 83

It is an undisputable fact tha Uganda produces gold. The production of gold in Uganda is in two categories :

(i) gold produced by medium-scale producers in gazetted areas :

(ii) gold produced by small scale producers scattered all over

The small – scale producers sell gold to the medium scale producers.

In the captured information on gold production, it is mainly the medium-scale producers because they are the ones who provide records. The figures contained in Uganda Government submission of June, 2005 do not include gold produced by small scale producers. It is not easy to get unrecorded production from small-scale producers. Even in DRC, current gold production is by small scale producers.

7.3 Export

When it comes to export, the gold that is exported from Uganda will constitute three sources :

(i) gold that is locally produced by medium – scale producers and recorded ;

(ii) gold that is locally produced by small- scale producers and unrecorded ;

(iii) gold that is imported.

7.4 Mineral imports

The liberalisation of the Ugandan economy in 1994, which was not for gold alone but all commodities, resulted in the removal of a royalty of 3 – 5% on gold exports. This in turn encouraged Uganda's traders to declare their gold exports, which had hitherto been smuggled to dodge the tax. This explains Uganda's increased declared amounts on gold exports since 1994, compared to the prior period.

It is also important to note that the Mining Regulations, which were in operation from 1964 to 1994, did not adequately provide for the regulation of mineral imports. That old law could not have been designed for purposes of exploitation of mineral resources of DRC.

The evolution is such that revised Mining Regulations (2004), adequately regulate the importation of minerals.

From the foregoing, the UN Group of Experts are being deliberately inaccurate, insincere and pretentious to allege that it is inexplicable that available Uganda public reports from 1997 to 2004 do not reflect gold imports. It is also a falsehood on the part of the UN Group of Experts to claim that information on mining is missing and yet the table that the Government of Uganda furnished them under para 83 shows the gold production for a number of years which is a product of mining activities.

Clearly, before 2004, the attendant regulations of mining were not addressing the issue of mineral imports. Therefore, before 2004 there are no figures for gold imports.

From 2004, Government of Uganda started compiling figures on gold imports because of the regulation on mineral imports.

The table provided by Government of Uganda in the Report to the GoE in June, 2005 was reflecting the actual figures held by the Ministry of Energy and Mineral Development. The permits only refer to exports and imports ; there are no permits issued on production. Production figures are obtained from returns of Licence Holders.

7.5 Way forward

As a way forward towards towards increasing capacity to get figures of actual production from small scale producers, Government of Uganda is running a project with a component on assisting small-scale producers ;

to reach them, give them the technology and show them the way of getting more gold. When they increase their capacity to produce, they will graduate to medium-scale producers thereby getting most gold produced in Uganda recorded.

Para 84

In Uganda, the policy of value addition cuts across all commodities. A case in point is that Uganda has seriously pursued this policy in the agricultural sector (processing of coffee, tea, fruits etc). Value addition in Uganda's mineral sector is still in its initial stages, it is finalised for vermiculite, it is on the drawing board for phosphates, gold, columbite tantalite and wolfram.

7.6 Alleged inconsistencies in data

The UN Group of Experts, in their Report of July, 2005 referred to inconsistencies in data. The fact of the matter is that :

(i) Various institutions have different cut-off dates in capturing and updating data. Some institutions use financial years while others use calendar years.

(ii) There are time lags in capturing data, for example, Uganda Revenue Authority (URA) may record data using a date when a client settles tax dues whereas Bank of Uganda may use a date of entry of the imported goods as its reference date.

(iii) Ministry of Energy and Mineral Development sometimes reflects figures for intentions to export. The fugures are reflected on export permits, which will differ with URA's actual exports.

(iv) Different institutions have differnet methods of capturing data : for instance, some institutions record quantities while others values.

(v) There are also differences in methods of classification criteria : analytical mechanisms to suit mandate : editing, verification and reconciliation mechanisms.

Therefore, the variance of statistics may depend on the source institution and the method it applies. It is unfair to insinuate ill-motives on account of variance.

Government of Uganda wishes to further clarify that the problem of statistics of gold imports and exports goes beyond the core issue at hand. As a developing country, Uganda has a problem of collecting statistics on virtually everything and not only on gold. It would, therefore, be unfair and dishonest to conclude that because of variance in stantistics there is a deliberate effort on the part of Government of Uganda to hide information from the UN Group of Experts.

Also worth noting is that in early 1990s, Government of Uganda adopted the programme of economic liberalisation. With the liberalisation, Government experienced problems of control. Before then, everyting concerning gold had to be controlled through Bank of Uganda. With liberalisation in Uganda, agreed upon with the World Bank and other partners even before the problems in DRC surfaced, Government lost control over gold transactions. Before then, the bak of Uganda could tell the figures of gold with large certainty. This is the price we have had to pay for good market-oriented policies.

Furthermore, Bank of Uganda is interested in gathering accurate statistics on gold imports and exports because :

(i) Government of Uganda is pursuing an aggressive programme to combat the financing of terrorism :

(ii) Government is also pursuing an anti-money laundering programme.

Therefore, the absence of statistics is not of pleasure but of great concern to the Government of Uganda. Goverment would appreciate any support from the UN to improve the capacity of Uganda Bureau of Statistics, Uganda Revenue Authority, Ministry of Energy and Mineral Development, Trade and External Debt Department of Bank of Uganda, and such other departments, to obtain reliable data

8.0 BILATERAL AND REGIONAL INITIATIVES

8.1 GoU continues to cooperate with all our neighbours, including DRC and Rwanda as evidenced by the Tripartite mechanism established in

October 2004. Uganda-DRC Verification Mechanism established in May 2004. Joint Permanent Commissions and other initiatives as well as working together in the context of the Tripartite Plus Joint Commission since October 2004 and the International Conference on the Great Lakes Region launched in 2003 to address aspects of peace, security, stability and development.

8.2 There are also ongoing diplomatic overtures between the two countries aimed at realisation of full diplomatic relations as provided for in the Luanda Agreement. Uganda remains the only country in the Tripartite to have reciprocal diplomatic representation with Rwanda and DRC. Rwanda and DRC have no Embassies in each other's capitals. Uganda is at the level of seeking the elevation of diplomatic representation to Ambassadorial level and has since two years ago designated an Ambassador to Kinshasa, still awaiting *agrément* from the DRC authorities.

8.3 Following the meeting of Intelligence Chiefs in Bundibugyo of 3-4 June, 2005, a decision was taken to establish a Joint Security Liaison Office manned by Ugandan and Congolese officials. Its specific task is to monitor the borders and deter illegal armed activities and forestall the possibility of arms trafficking. The Office is also to verify information either party may raise with regard to security threats along the common border.

8.4 In addition, the two countries recently instituted a Joint Investigation and Verification Team as reported in 4.2.6 above.

8.5 For purposes of sharing information on common threats and designing collective approaches, an Intelligence Fusion, Analysis and Operations Cell was agreed upon following the Resolution of the Ministers of the Tripartite countries at their meeting which was held in Kampala on 22-23 February, 2005. A Memorandum of Undertanding was subsequently signed in Kampala on the 23rd February, 2005 to operationalise the Fusion Cell. This cell will go a long way to verify allegations, allay fears and build confidence among the partner states.

8.6 Uganda and DRC have intensified cooperation in ensuring regular meetings between border officials. These meeting complement the frequent high-level contacts between the two governments (Heads of State direct communication, missions of Special Envoys, meetings of Army Commanders' Intelligence Chiefs etc.) to work out mutually acceptable formulae for resolving outstanding issues.

8.7 As our Amnesty remains open for any of the Ugandan members of the armed groups in DRC who wish to disarm voluntarily and return peacefully like many others have done. Government of Uganda welcomes the DRC Government decision to authorise establishment of an Office for Uganda Amnesty Commission in Beni. Arrangements are now under way to establish the Amnesty Office in the hope that the members of the armed groups can take advantage of this avenue.

9.0 CONCLUSION

Government of Uganda considers the information contained in the Position Paper and subsequently, the Rebuttal, sufficient to address the concerns raised by the UN Group of Experts. Government remains available in case the Group wishes to pose any other questions or seek further clarifications. The same way Government provides details and sources, it should be appreciated if the Group of Experts would in future substantiate allegations and check its sources who provide it with largely erroneous data that damages images of states and consumes time and energy unnecessarily.

Other than that, Government of Uganda will continue to support all regional or international efforts and initiatives aimed at contributing to peace and security in the Great Lakes Region. In particular, Government will continue to extend any support to the GoE in conformity with Uganda's obligation under the UN Charter.

Government of Uganda considers the issues in the Great Lakes Region to be multi-facetted. As we seek solutions, Government of Uganda recommends that issues be looked at in their totality.

As we try to sort out problems , one of Uganda's concerns is the presence of negative forces in DRC and DRC's lack of full control over its territory. Uganda remains of the view that there is need for the International Community to address the capacity problems of DRC.

END

APPENDIX I : PARTICIPANTS

Uganda Goverment Officials

1. Amb. J.B. Onen.	Permanent SecretaryMinistry of Foreign Affairs
2. Amb. David Etuket.	Director for Regional Coocration/ Ministry of Foreign Affairs
3. Amb. James Mugume.	Director for International Cooperation/ Ministry of Foreign Affairs
4. Amb. Fred Beyendeza.	Head of East African Community and Ring States Department/ Ministry of Foreign Affairs
5. Mr.Julius Kagamba Singoma,	Head of the Great Lakes Region Division Ministry of Foreign Affairs
6. Mr. John Habasa	Office of the President
7. Mr.E.D Mutagubya	Office of the President
8. Mr. Arthur Mugizi	Office of the President
9 Mr. E.D Oule	Ministry of Tourism, Trade and Industry
10.Mr. Francis Keeya	Ministry of Works, Transport and Communications
11.Mr. Samson Byamugisha	Ministry of Energy and Mineral Development
12.Mr.Emmanuel Kalule	Bank of Uganda
13.Mr. Nicholas Kanabahita	Uganda Revenue Authority
14.Maj. Timothy Kanyogonya	Ministry of Defence
15.Ms.Naomi Wanyama	Uganda National Bureau of Standards

UN Group of Experts

Amb. Ibra Diguene Ka,	Cairman GoE - Senegal
Mr. Jean Luc Gallet,	Customs Expert -France
Mr. Abdoulaye Cissoko,	Civil Aviation Expert - Mali
Enrico Carisch,	Finance Expert - Switzerland
Mike Buisson,	Arms Expert
Mr. Alexander Rose.	Political Affairs Officer - UN

MINISTRY OF FOREIGN AFFAIRS

GOVERNMENT OF UGANDA SUBMISSION TO THE GROUP OF EXPERTS ON THE UN ARMS EMBARGO ON DRC, UNDER SCR 1596 (2005)

1.0 INTRODUCTION

Following renewal of mandate by SCR1596, the Group of Experts on the arms embargo visited Uganda on 19-22 June, 2005. During the visit, the GoE met senior officials of the Ministry of Foreign Affairs on 21/06/05 and the officials from various Ministries and Departments on 22/06/05.

At the two meetings, the two sides exchanged views.

The following is Uganda's written presentation on the issues of interest and concern raised by the GoE as they appear in Annex H.

2.0 WELCOMING THE UN ARMS EMBARGO

Government of Uganda commends the UNSC for adopting a Resolution imposing an arms embargo on DRC and efforts to have it enforced as well as establishing the Group of Experts.

- We commend these efforts because we perceive them as being aimed at contributing to peace, security and stability in DRC, between DRC and its neigbours and in the Great Lakes Region.

- We also believe that the process of pursuing efforts to implement the relevant Resolutions, will also contribute to building trust and confidence in the region.

3.0. CONTINUED COOPERATION WITH THE INTERNATIONAL COMMUNITY

It is on the basis of 2.0 above, that Government of Uganda has been cooperating with the UN Group of Experts on the Arms Embargo as we also cooperated with the UN Group of Experts on Illegal Exploitation of DRC Resources.

4.0 BILATERAL AND REGIONAL INITIATIVES

4.1 Besides cooperating with the UN, GoU is also cooperating with our neighbours, particularly DRC and Rwanda as evidenced by the Tripartite mechanism, Uganda-DRC Verification Mechanism established in May 2004, Joint Permanent Commissions and other initiatives as well as working together in the context of the International Conference on the Great Lakes Region.

4.2 Even on the diplomatic front, Uganda remains the only country in the Tripartite to have reciprocal diplomatic representation with Rwanda and DRC. Rwanda and DRC have no Embassies in each other's capitals.

4.3 Another area of which the GoE expressed concern, Bundibugyo has been attended to. In June, 2005 a Joint Security Liaison Office manned by Ugandan and Congolese officials was set up. This will go a long way in monitoring the borders and deterring illegal armed activities and forestalling the possibility of arms trafficking.

4.4 Uganda and DRC have intensified cooperation in ensuring regular meetings between border officials.

5.0 ARMED GROUPS

5.1 We are interested to see the transition in DRC succeed, integration of militaries accomplished and the Government in DRC establish its authority over its entire territory. This would contribute to the resolution of the security threat posed by negative forces/armed groups that are taking advantage of the existing vacuum to destabilise DRC and to soil relations between DRC and her neighbours. We are interested to see ADF and PRA terrorists routed out and our Amnesty remains open for any of those elements who wish to disarm voluntarily and return peacefully like many others have done. In this regard, Government of Uganda requested DRC to authorise establishment of an Office for Uganda Amnesty Commission in Beni ; we are yet to receive the sought go-ahead.

5.2 Since the withdrawal of Uganda troops from DRC in June, 2003 our role has been to cooperate with the DRC Government and the international community to bring about peace, security and stability and not to fuel tensions and conflict as alleged by some quarters. A case in point is the leading role GoU played in the establishment and operationalisation of the Ituri Pacification Commission. The Congolese

armed militia GoU dealt with, with the full knowledge of the DRC Government, have since been integrated into the transitional goverment in DRC as our dealings were for purposes of pacification and not destabilisation as alleged. Likewise, our support for the French-led Operation Artemis and subsequently, MONUC in eastern DRC is in the direction of contributing to stabilising the region.

5.3 Paradoxically, there are armed groups such as UPC-L that Uganda is being linked to by certain quarters, groups that are well known to have had negative relations with Uganda ever since their existence. There are Congolese fighters who recently fled to Uganda and our authorities immediately notified the MONUC as we subjected them to the official standard procedure to which we subject all people seeking refugee status or asylum seekers. Contrary to allegations from some circles, Uganda has not engaged these groups for any subversive manœuvres. One Bosco Ntaganda has been alleged to be travelling in and out of Uganda, but our authorities have not got hold of him though,it was falsely alleged that our authorities had received him in Kampala. We are on record as having assured the international community, particularly, MONUC that if a warrant of arrest is issued for any one of the wanted elements, we shall cooperate fully to have them brought to book if ever they cross into Uganda and we get hold of them. Government reaffirms its readiness to cooperate in the asset freeze and travel ban on any individuals that the UN will sanction and notify us.

5.4 It is the view of GoU that the UNSC Resolution 1596 on the Arms Embargo on DRC presupposes that there is an effective state in DRC. GoU considers DRC as having no capacity to police its large territory; no control of its air space. Uganda's view is that there is need for additional commitment from the international community; to develop real infrastructure that maintains a state otherwise arms can be moved through thick forests undetected. The International Community does not seem to devote sufficient focus on the fact that before the embargo can be effective there is need to close all the leakages such as the fact that some elements of the integrated army have dual loyalty, with some operating their own armed factions which could generate arms proliferation. Though ADF and PRA are said to have been disarmed by MONUC they could get rearmed in such a situation.

6.0 IMMIGRATION

6.1 Border monitoring system : There is a project supported by the U.S Government to equip the Ugandan Immigration Department for purposes

of monitoring the border. The said project was commissioned mid June. 2005. It is being implemented in phases, beginning with areas where there is electricity. The border areas of Mpondwe, Ishasha, Vurra and Oraba, among others, at the border with DRC lack electricity and infrastructure like buildings to accommodate the equipment. The areas at the common border with DRC will be reached in later phases as early as next year. First phase includes : Entebbe, Malaba, Busia, Mutukula and Katuna.

6.2 Deployment : GoU is endeavouring to address the problem of inadequate human resources to manage our borders.

- The Department of Immigration is in the process of recruiting more personnel following recent autorisation by Parliament.

- GoU has posted Immigration Officers to Ntoroko area over which concern had been raised by the GoE as a possible outlet for arms trafficking. It is noteworthy that Ntoroko is a landing site with booming business of goods and services back and forth across the border. GoU has not come across any arms trafficking at that point.

6.3 Border patrol : Even with these increases in immigration personnel, we shall still have the problem of the porosity of our borders because many areas along Uganda-DRC 1,200 km border will remain ungazetted and yet people continue to use them. There is therefore need to build the capacity of Uganda Immigration Department to patrol the border. It is encouraging that MONUC has contributed to Uganda's patrol of some parts of L Albert by establishing a riverain patrol unit. More of such support is needed all along the border characterised by difficult terrain.

6.4 Roles : The roles of Customs and Immigration Departments in Uganda are distinct and there is no conflict of roles between the two departments and their personnel. Immigration deals with the movement of people while Customs handles the movement of commodities. The two Departments are cooperating with each other to provide customs and immigration services and also to address any associated concerns.

7.0 CUSTOMS

7.1 Instructions : The Commissioner General of Uganda Revenue Authority (URA) issued a circular to all Customs Stations (at border areas and elsewhere) highlighting the UN arms embargo, its implications and

our obligations. for customs officials to take note and check all exit and entry cargo.

7.2 Strengthening : Customs has been strengthening transit controls for goods in transit ; all goods are checked as they come in and as they exit. In so doing. the GoU has been able to both ensure that the arms embargo is not violated through our Customs posts : and block the leakage of tax revenue, an issue that was raised in the GoE's last Report.

7.3 Cooperation : URA is entering Memoranda of Understanding with neighbours - for control of goods; it has so far done so with Rwanda and Kenya : in advanced stages to have one with Burundi and we are yet to have one with DRC – contacts are underway.

7.4 Air Cargo : GoU has made it mandatory that any aircraft coming into our space has to present inward manifest to Customs of all goods on board. Vessels and aircraft leaving our airspace have to prepare outward manifests.

7.5 The East African Community Management Act, 2004 provides the same procedure for controls of goods coming into the country and transit goods.

- *Mombasa and Dar es Salaam* : at those two ports. it is mandatory that all goods are scanned and whenever there are any suspicious goods destined for Uganda or to transit through Uganda. the Kenyan authorities communicate and consult with Uganda. This system helps Uganda as a landlocked country and it is the starting point to ensure that arms are not trafficked through the east African Community region. Uganda still lacks and needs its own capacity to scan.

- *Mombasa* : GoU has established a Customs office in Mombasa to track cargo coming in or in transit.

7.6 Under EAC, there is a Single Administrative Document (SAD) filed from point of first entry

7.7 Transit Goods Licence : Customs thoroughly checks to ensure that there are no vehicles with concealed components in which they could carry arms. smuggled goods or trafficked drugs. GoU licences trucks with transit goods after satisfying ourselves.

7.8 As GoU continues to endeavour to improve its customs services and to contribute to enforcing the UN arms embargo through the above measures, GoU wishes to express concern about reports of incidents where UN agencies disguise prohibited items as blankets, medication or "black tea" taking advantage of their diplomatic immunity as UN, and the transit status of their cargo, which only allows limited searches. GoU is investigating these reports for actionable evidence.

7.9 Northern Corridor Transit Transport Authority:
Amendment the Agreement of the Northern Corridor to ensure enhanced control of cargo including that between Uganda and DRC, can only be a joint endeavour of all the parties to the Agreement.

8.0 AVIATION

8.1 On measures taken to improve cooperation between Uganda CAA and DRC Civil Aviation Authorities. The Memorandum of Understanding (MoU) on Resumption of Commercial Flights between Uganda and DRC was signed in Kampala on April 30, 2004.

8.1.1 The operationalisation of the MoU.

- on May 4, 2004, a Circular was issued on all licensed operators in Uganda informing them about the opening up of commercial flights to DRC. In the Circular Operators were informed that non-scheduled operators intending to operate into the DRC must get clearance from the Kinshasa Authorities. The Contact address in DRC was given.

- M/S TMK and M/S C.E.TRA.CA were designated DRC carriers. Dairo Air Services and East African Airlines were to be Uganda's designated carriers at a later date.

C.E.TRA.CA is operating scheduled flights twice a week into Entebbe. No Ugandan scheduled carrier has operated into the DRC yet.

8.1.2 Operationalisation of the Letter of Procedures:

The Objective of laying down coordination procedures has been achieved. The one area that Kinshasa has not been known to operationalise is the AFTN aspect.

A sampling of records indicates that Flight Plans, Departures, Estimates are only sent by Entebbe. Kinshasa has not reciprocated the AFTN Option.

A review has been on the cards for sometime in which various issues will be addressed by the parties to the Letter of Procedures dated 29th October, 2004, in the near future.

8.1.3 While the MoU agreed was upon by CAA and DRC aviation authorities, two concerns were raised:

- Gulu-DRC communication was difficult; it was agreed to institute a satellite link;

- No commercial flights: it was agreed that there should be 4 weekly flights by each state into one another. These would ply Goma, Kisangani and Kinshasa in DRC while in Uganda they could use Entebbe, Kasese, Gulu, Kidepo and Arua. They also nominated commercial airlines. Uganda wanted East African Airlines and Dairo Air to operate passenger flights in between (each of them two weekly flights) but due to technical problems, none of them operates. Eagle Air expressed interest to operate in the area.

8.1.4 There exists a Bilateral Air Services Agreement between DRC and Uganda. A process is underway to incorporate the MoU into the BASA. The old Agreement was limiting as the state was protecting the national carrier (nominate one aircraft, limit capacity); now with Uganda's policy of liberalisation and DRC also opening up, nominate two, no limited capacity, should be operating amicably.

8.1.5 As requested by the GoE, on 22nd June, 2005 GoU provided to the GoE documents from Civil Aviation Authority, namely:

(i) current aircraft register, updated to 20th June indicating aircraft registered in Uganda;

(ii) daily traffic sheets by destination from April 2004 to May 10, 2005 indicating flights from Uganda to DRC;

(iii) A copy of the Memorandum of Understanding between Civil Aviation Authorities of the Republic of Uganda and the DRC (English and French texts) signed on 30/04/2004;

(iv) Copy of the letter of procedures dated 29/10/2004 between Kinshasa ACC/FIC and Entebbe ACC/FIC;

(v) Movement of Aircraft other than United Nations aircraft in or from DRC. February 2005-May. 2005.

8.2 As to cooperation between civilian and military aviation, the CAA has assumed an upper hand in the management of Uganda's airspace.

8.2.1 The military flights depart from the old airport and they file flight plans with CAA.

8.2.2 Government has availed most the old airport (military airbase) to MONUC operations.

8.2.3 No military flights cross the border; they fly within the country. Any flight from the old airport which is international is by MONUC. MONUC is independent with its own logistics base and own administration.

8.2.4 No commercial flights originate from old airport.

8.2.5 The radar: it was originally meant for military purposes but the military lacked expertise so they integrated civilians and now the military personnel were taken over by CAA. The radar has limited range and this is an area where capacity building is needed. There are plans to institute one at Entebbe and another at Nakasongola to cover a greater percentage of our air space.

8.3 Uganda and partner states under the East African Community are working on a law related to Civil Aviation applying international standards as provided by the International Civil Aviation Organisation (ICAO).

8.4 GoU has designated international entry-points as: Entebbe, Kasese, Gulu, Kakobo, Kidepo and Arua. Flights across any board are registered in any of these points. Now that the information area coverage has been extended information can be got on all commercial flights.

8.5 Customs relies on inward and outward manifest. Aircraft coming ask for clearance to enter airspace; only after landing do they mention what they carry on board. Currently, civil aircraft bringing in goods without manifest have either to surrender their goods to customs or take them

back to the point of origin. These regulations help to prevent arms trafficking through the Ugandan airspace.

8.6 On the crash of the Antonov, GoU instituted a Commission of Inquiry that has just concluded its investigations and handed the Report to the Minister of Works, Transport and Communication who is currently examining it and will be presenting it to Cabinet and Parliament before it is made public. However, preliminary indications are that the Russian-made plane was DRC-registered and it began its flight from Kinshasa, passed through Goma and on its way back to Kinshasa it made a technical landing at Entebbe and upon taking off, it crashed and all people on board perished. Preliminary indications are that the accident was due to engine failure. Details will be obtained once the Report is released to the public.

9.0 DEFENCE

9.1 The formal request which the GoE carried during their visit to Uganda was subsequently passed on to the Office of the Minister of Defence for him to consider their request to visit Nakasongola factory.

9.1.1 Also passed to the Ministry, was the questionnaire submitted by the GoE, relating to the said factory, so that the Ministry can consider instructing the Management of the factory to provide appropriate answers.

9.1.2 Due to short notice to the Ministry of Defence, the GoE could not receive feedback within the short duration of their visit to Uganda.

9.2 On Congolese armed groups, GoE was informed that :

- Government of Uganda dealt with some Congolese groups at the time it was encouraging them to renounce armed rebellion and embrace the transitional government ; indeed, a good number of them joined government.

- There is a group of former FAPC fighters who fled to Uganda claiming they were fleeing persecution and sought political asylum. GoU in a transparent manner notified MONUC of the group's presence and also provided their list to MONUC. They were subjected to the standard procedure, in conformity with international law. It will be after they have been considered by the Eligibility Committee under the Prime Minister's Office that they can be handed to UNHCR if they qualify for asylum.

- GoU has no information of any of its official entertaining contacts with Congolese splinter groups. The fact that Uganda withdrew all its troops from DRC in 2003 in accordance with Lusaka Ceasefire Agreement and Luanda Peace Agreement, it is not in position to have precise information on Congolese militia in eastern DRC. GoU would welcome specific information from GoE as to which these emerging groups are ; where in Uganda they are alleged to be operating ; which government authorities are alleged to be dealing with them and such other details to enable government investigate the matter and take necessary action.

- GoU pledges full cooperation to seek, arrest and hand over any such elements once it is provided with the particulars with an international arrest warrant.

10.0 COMPANIES

During a meeting with the GoE on 21/06/05, the Registrar of Companies in Uganda informed the GoE that :

- the Registry of Companies is open to the public ;

- the GoE is welcome to gain access to the records in the Registry of Companies ;

- it is possible to isolate an individual who is under sanction and has shares in a company but that, beside such individual, a whole company should not be punished because of one shareholder ;

- If the GoE could provide the list of Companies on which GoE needs information, he could provide it.

11.0 BANK OF UGANDA

11.1 Regarding the request by the GoE to look at bank accounts, BoU which has the mandate of bank supervision welcomes the GoE to look at the accounts jointly with the BoU staff.

11.2 Concerning actions, the Financial Institutions Act, which can be viewed on the BoU Website, gives the BoU powers to freeze and block accounts of concerned parties until matters under investigation are resolved. See para.118 (1) :Freezing of Accounts :

« The Central Bank shall if it has reason to believe that any account held in any financial institution has funds on the account wich are the proceeds of crime, direct in writing the financial institution at which the account is maintained to freeze the account in accordance with the direction. »

11.3 Anti-Money Laundering Bill has just been considered by Cabinet and will go through Parliamentary Council before being presented to Parliament for consideration and passing into law. Once it is passed, it will contribute to combating any illegal money deposits in Ugandan banks and as such help to enforce the arms embargo.

12.0 MINERALS

12.1 Background

On 14th December 2004, Uganda's new Mining Act, 2003, came into force thereby replacing the old Mining Act, 1964. This Act had become outdated internationally and also inadequate in addressing local situations for instance small-scale miners, mineral dealing, and environment.

The old law was not enabling monitoring of mineral imports and as such, it was difficult to know what was locally produced and what was imported. And yet, the export figures would be capturing a total of reported and unreported local production as well as the imported minerals including gold.

Gold in Uganda is mined by small-scale producers countrywide who sell to buyers around the country. Government was unable to monitor precisely such production under the old law. The recorded gold production reflects what is reported by licensed local producers.

Border trade between Uganda and DRC has been going on since pre-colonial time with respect to a host of commodities including minerals determined by markets and peoples' needs.

12.2 Mineral Statistics

Table 1:

Gold Exports, Imports and Production in tones as per Permits Issued

Year	2000	2001	2002	2003	2004	2005
Gold Exports	12.67705	6.27298	7.343671	4.162500	7.309000	2.782550
Gold Imports	N/A	N/A	N/A	N/A	N/A	3.078685
Gold Production	0.055980	0.000142	0.002565	0.032000	1.447000	N/A

There is no reported significant trade in cassiterite probably due to its low world market price during the period under review

12.3 Gold trade

Regarding trade in minerals, GoU issues a Mineral Dealer's License to an individual or company. For a company it has to present a Certificate of Incorporation. For gold and other precious minerals the applicant applies for a license to deal in precious minerals. The license is valid for one year and is non- renewable.

Table 2:

Current licensed Mineral Dealers for precious minerals in Uganda

1. Precious Logistics Ltd.	6. Hector Limited
2. Janelis Group International Trade &	7. HS Chowdhary and Partners
3. Machanga Limited	8. Uganda Commercial Imoex
4. Masanga Global Imoex Ltd.	9. Precious Uganda Ltd.
5. A. S. Bhimji	

Noteworthy is that Uganda liberalized her economy in 1991, following the global trends. This resulted into relaxing some regulations on taxes on goods and foreign currency. Consequently, the gold export tax of 3-5% was removed. Furthermore, in 1994 buying of gold, which had been a monopoly of Bank of Uganda, was also liberalised. This initiative enabled the gold traders to declare their gold with government which was not the case before.

Dubai and Hong Kong which are other free markets, are the leading exporters of gold and gold jewelry today, although neither of them mines gold.

12.4 Government intervention

The new law came in with a provision for monitoring imports indicating which country of origin, what mineral and what quantities. When a person exports such minerals, he/she must leave the Import Permit with customs to ascertain that transaction.

With regard to Artisanal and small-scale mining, government has already embarked on a project to encourage small-scale producers of minerals to legalize their operations. Furthermore, GoU is building capacity of mining institutions to enhance management in the sector including mineral information systems of these minerals.

Effects of gold trade on arms embargo

Gold production in DRC is mainly by several small-scale operators and individuals who collect small amounts and through sales in a chain of middlemen, gold accumulates to levels attractive to bigger Congolese traders. It is estimated that over 50% of the population in Eastern DRC derive their livelihood from mining and related activities.

The legal right these Congolese traders have to trade in other commodities holds true for their trading in gold. If the authorities are able to license these traders for other commodities, then they are in a position to do so for gold as well.

These traders have an option to sell their acquired gold to any economically viable market in the world. Some of the gold however, is sold to licensed gold dealers in Uganda, who are issued with an import and subsequently an export permit for a consignment accumulated over a period of time. It should be noted that quantities of gold delivered by Congolese are in the order of few gramms.

The money paid for gold by Ugandan buyers is used by the gold suppliers to purchase and then import into DRC essential commodities like cooking oil, soap, clothes cement and other building materials and other essential commodities from and through Uganda.

In this scenario, gold from DRC acts as a medium of exchange through a chain of artisan miners-gold dealers-city traders to provide the basic essentials to the Congolese population in Eastern DRC.

Arms being restricted goods have not been sighted in this chain of normal trade for survival. Which evidently has been on going since pre-colonial times. Therefore, any restriction to this trade in any form will cause more humanitarian catastrophe to the Congolese rather than improving their situation.

AFTER PRESENTATION BY GOU DELEGATION, AN EXCHANGE OF VIEWS ENSUED WITH THE GOE AS FOLLOWS :

GoE reported that Government of Rwanda had presented information on dissident leaders in South Kivu namely Col.Mutebutsi and Gen. Nkunda. GoE requested GoU to provide such information about leaders of Ituri factions that might have presented themselves to GoU authorities.

GoU also said they would depend on GoU helping by providing information on also negative forces inluding ADF and PRA so that GoE investigates these cases.

GoE requested to be provided with meetings held since July 2003 between Ugandan authorities and leaders of Congolese armed factions : with whom, where, which government officials, for purposes of peace negotiations to contribute to stability.

GoE requested for the information, from Immigration Department, regarding how the Congolese faction leaders presented themselves when entering Uganda (passport number etc). GoE needs to identify individuals for travel ban and assets freeze. GoU requests to be given the names of the individuals sought by the GoE so that Immigration checks and responds accordingly.

GoU delegation criticised UN GoE for submitting reports with no credible evidence to sustain allegations and not giving a chance for those accused to give their account. GoU had instituted a Commission of Inquiry which found most allegations unfounded. GoE promised not to report information they obtain from other sources, before comparing notes with GoU. GoE also agreed to meet any person mentioned in their report.

GoE stated that some difficulties exist in the management of Uganda's air space : GoE sought to know where Uganda needs assistance.

GoE requested for a written response to para 6 of SCR 1596 which stipulates as follows :

« Decides that, during the period of enforcement of the measures referred to in paragraph 1 above, all governments in the region, and in particular those of the Democratic Republic of the Congo and of States bordering Ituri and the Kivus, shall take the necessary measures :

- *to ensure that aircraft operate in the region in accordance with the Convention on the International Civil Aviation, signed in Chicago on 7 December 1944, in particular by verifying the validity of documents carried in aircraft and the licences of pilots,*
- *to prohibit immediately in their respective territories operation of any aircraft inconsistent with the conditions in that Convention or the standards established by the International Civil Aviation Organisation, in particular with respect to the use of falsified or out-of-date documents, and to notify the Committee, and to maintain such prohibition until the Committee is informed by States or by the Group of Experts that these aircraft meet the said conditions and standards set forth in Chapter V of the Chicago Convention and determines that they will not be used for a purpose inconsistent with the resolutions of the Security Council,*
- *to ensure that all civilian military airports or airfields on their respective territories will not be used for a purpose inconsistent with te measures imposed by paragraph 1 above. »*

Paragraph 1 « *Reaffirms the measures established by paragraph 20 of Resolution 1493, dated 28 July 2003, and extended until 31 July 2005 by resolution 1552, dated 27 July 2004, decides that these measures shall from now on apply to any recipient in the territory of the Democratic Republic of the Congo, and reiterates that assistance includes fiancing and financial assistance related to military activities. »*

GoE stated that the new Resolution asked for cooperation of governments to include access to military sites. This is the justification given by GoE to seek to visit Nakasongola arms factory. GoE requests the visit as well as responses to their questionnaire relating to the factory. GoE recalled that certain diplomats had visited the Nakasongola factory, hence no reason for the GoE to be denied the visit which they have so far sought three times. GoE further states that the UN Resolution exceeds national law. GoU of Uganda is considering the request and the questionnaire.

GoE reminded that in the spirit of enforcing the embargo and also checking UN staff, GoU should at an appropriate time share its findings on the UN vehicles involved in transporting prohibited cargo.

GoE asked for statistics on Uganda's gold import-export trade. GoE asserted that gold imported from DRC is illegal gold because DRC government is not in control of the area from which that gold is obtained. GoE sought to know how gold trade is contributing to violating the arms embargo.

GoE gave their email : drcarmsgroup@hotmail.com where any additional information can be sent to them. GoU remains willing to submit further information as and when available and needed.

GoE also requested for the attendance list of the meeting they held with GoU delegation on 22/06/05 (see Annex I).

MINISTRY OF FOREIGN AFFAIRS
KAMPALA, UGANDA

JUNE 2005

ANNEX I : Uganda delegation – at meetings with GoE June, 2005

Names	Ministry/Department	Contact phone/email
Ambassador Patrick Mugoya	Ministry of Foreign Affairs	+25641257525
Mr. Isaac Ssebulime	Ministry of Foreign Affairs	+25641258252
Mr Julius Kagamba Sugoona	Ministry of Foreign Affairs	+2567887255 SECRETARY kkagex@yahoo.com
Mr Wilberforce Nsonde	Immigration	+25677-485623
Maj David Okello	Chieftaincy of Military Intelligence	+25677-372673 / 041349462 okeldave@yahoo.co.uk
Mr John Habasa	President's Office	+25677401251 jhabasa@yaoo.com
Mr Seth Ngabirano	President's Office	+25678-303961 sethngab@yahoo.co.uk
Mr John Nzamuye	President's Office	+25677-517956
Mr S.S Byamugisha	Ministry of Energy and Mineral Developement	+25671-807942 ssbyamugisha@yahoo.com
Mr Nicholas Kanahahita	Customs & Excise Department	+25677-490709 nicholaskanahahita@yahoo.com
Mr Julius Rubagumya	Customs & Excise Department	+25677-435323
Mr Ben K Hinbisa	Bank of Uganda	bhinbisa@bou.or.ug

Group of Experts

Amb. Ibra Diguene Ka, Caiman GoE	- Senegal
Mr. Jean Luc Gallet, Customs Expert	- France
Mr. Abdoulaye Cissoko, Civil Aviation Expert	- Mali
Mr. Alexander Kose, Political Affairs Officer	- UN
Ms Kmbi Lynn Austin, Arms Trafficking Expert	- USA
Enrico Carisch, Finance Expert	- Switzerland

ANNEX II

CIVIL AVIATION

- Coordination between civil aviation and military aviation authorities in managing air space
- daily traffic sheets indicating flights from Uganda to DRC and vice versa ;
- non direct flights :flights with ultimate destination in DRC from Uganda
- register of aircrafts in Uganda
- civil flights which land or depart at the military bases in Gulu and Entebbe
- the crash of the Antonov aircraft outside Kampala : information on the plane, its crew and its commercial contractors
- measures adopted by Government to improve cooperation between Uganda CAA and the DRC Aviation authorities
- measures adopted by Government of Uganda to implement para 6. of SCR 1596
- copy of the MoU signed between DRC and Uganda which designates aviation companies authorised to fly between the DRC and Uganda
- measures taken to implement the above memo

CUSTOMS AND IMMIGRATION

- how far has Government implemented the recommendations contained in the Group's previous report with regard to control of persons and goods passing through Uganda/DRC common border ?
- following te extension of the authority of the DRC Government to the borders with Uganda in the Aru area, how is the Uganda Government working with the DRC Government to improve border control, especially with regard to armed groups in DRC ?
- measures to reinforce immigration procedures
- amendments made to Northern Corridor Agreement ?

3.3. MINISTRY OF DEFENCE/And other Government Uganda agencies

- The Group of Experts is seeking permission to visit the Nakasongola arms factory ; the Group is to submit an official request through the Ministry of Foreign Affairs.
- The Group is seeking information regarding any relations between Uganda Government and the Ituri armed groups , and in particular information on FAPC, UCPD, FDDC, FNI, PUSIC, UPC, FRPI,

FDLR. Floribert Ndjabu. Goda Sukpa. Etienne Lona. Thomas Lubanga. Bosco Taganda and Germain Katanga. Uganda is expected to honour its promise to provide biodata and immigration data on certain persons. UNSC Resolution 1596(2005) adopted on 18 April. 2005 imposed travel restrictions and assets freezing in respect of a number of persons including any other leaders or representatives of the embargoed parties. particularly the IAG. with whom GoU has interacted. Also include any new information on splinter groups, factions or emerging groups – some of which may be utilising Ugandan territory

3.4. APPOINTMENTS

In view of the fact that the new Resolution also contains provisions regarding financial operations, the Group is seeking appointments to meet with :

(i) Bank of Uganda
(ii) Financial Crimes Intelligence Unit
(iii) Supervisory agencies for trade for strategically relevant goods
(iv) Registrar of Companies

Case-specific information

- the Group is interested in receiving from the GoU all available data on domestic gold production over the last five years. as well as the overall imports and exports of gold by the Republic of Uganda over the same period. The Group would also like to obtain a description of the licensing requirements for gold traders and brokers, as well as a list of all importers and exporters of gold that are currently in good standing and operate wit a valid business licence in the Republic of Uganda.
- What follow up has the GoU conducted in response to information contained in the Group's second report (S/2005/30) on gold exports from the DRC to Uganda? The Group is particularly interested in receiving any possible insight the GoU may have on effects that gold trade may have on the DRC arms embargo.

Finance

- The Group would welcome an agreement in principle with the GoU to access specific corporate and banking records. In this connection. the Group would appreciate that a meeting with authorities responsible for monitoring bank accounts be arranged.

with a view to consolidate information pertaining to individuals named in the Group's second report (S/2005/30) that have bank accounts in Uganda, and that have been found to be connected with violations of the DRC arms embargo.

- What provisions has the GoU put in place to ensure full compliance with targeted financial or travel sanctions, should such sanctions be imposed by the Security Council? Further, the Group would like to know whether the GoU requires any assistance in this regard.

Good neighbourliness

OPERATIVE PRAGRAPHS OF THE RESOLUTION

Specific paragraphs of the Resolution 1596 adopted by the UNSC on 18/04/2005, notably:

Para 1: extension of the embargo to any recipient of arms in DRC;

Para 4: exemption of DRC government

Para 6: compliance with ICAO standards and requirements especially in respect of verification of documentation and use of airports or airfields.

Para 9: IC/GLR Dar es Salaam Declaration – air traffic control

Para 12: investigate activities of nationals transporting arms – and non-nationals /and include all types of resupply or assistance to DRC embargoed groups

Para 13: customs controls

Para 13: blocking identified persons

Para 15: freeze assets

Following is an addendum in response to the additional issues raised on Sunday 26/06/05 by the UN Group of Experts on the Arms Embargo SCR 1596 (2005) when they were handed the Uganda Position Paper on the issues they had raised earlier.

1. The Government of Uganda is not aware of the meeting. We seek clarification on the composition of the Ituri armed group that is alleged to have met in Jinja, and who they met.

2. On the listed Congolese elements, our response is:

Col. ALI: He has sought asylum together with others. MONUC is aware of this.

Bosco Ntaganda and **Lingenge**: The Government of Uganda is not aware of thier presence in Uganda. We welcome any information on their whereabouts.

Kakelele: At Lubumbashi Tripartite meeting on 21st to 22nd April 2005, DRC indicated that Kakelele had escaped from Kinshasha through Goma, to Rwanda. We are not aware of his presence in Uganda.

Koliba: We are not aware of him.

3. The following is the list of Congolese asylum seekers whose cases are under consideration by the relevant authorities in Uganda:

Katumbaie Bhovic

Maj. Ramazani Barume Rams

Lt. Col. Ugongo James

Maj. Semi Ndeze

Capt. Jamba Mustaoha

2nd Lt. Herma Baizi
Lt. Mungupco Ndiseye
Adj. Ndjemba EJLOCY
Maj. Burasa Joe
Col. Ali Mbuzi

Their case is being handled in a transparent manner and the same list was communicated to MONUC.

4. The request by the Group of Experts to visit Nakasongola arms factory has been fowarded to the Minister of Defence who is yet to respond. The said response will be forwarded to the GoE as soon as possible.

5. **Aru-Ariwala** are in DRC. **Lia** is manned by both Immigration and Customs, but the same officers also patrol Odramachaku. It is possible the officers were patrolling elsewhere. The Government of Uganda has already told the Group of Experts that there are capacity limitations in terms of manpower and logistics like vehicles. However, recruitment is under way for more personnel, as advertisement has been done. There are also plans to extend the USA funded project referred to in our response, to the Uganda/DRC border in the second phase.

6. The Government of Uganda is investigating the reports related to the concerns raised by the Group of Experts on smuggling.

7. Commercial flights have ceased to use the military airbase. All appropriate procedures through CAA have been followed all commercial flights operate from the main terminal at Entebbe International Airport. More detailed information will be provided later.

END